

**Addressing Australia's Indigenous
Cultural Heritage Site Management
Crisis: Stop the Destruction**

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The Protection and Management of Australia's Indigenous Sites and Cultural Heritage Values:

- * Frameworks for heritage protection:
 - * UNDRIP
 - * Burra Charter
 - * Ask First
 - * World Archaeological Code of Ethics
 - * Australian Archaeological Association Code of Ethics
 - * Australian heritage legislation
- * Understanding Indigenous values to Country and Sites
- * Case study: heritage management for the Mitakoodi peoples in North West Queensland

Why is heritage important?

- * “Maintaining heritage values and places is a vital part of the community's 'sense of place', cultural identity and well-being. This is particularly true for Indigenous Australians, whose heritage creates and maintains links between ancestors, people and the land.”
- * “**Indigenous heritage** is dynamic. It includes tangible and intangible expressions of culture that link generations of Indigenous people over time. Indigenous people express their cultural heritage through ‘the person’, their relationships with country, people, beliefs, knowledge, law, language, symbols, ways of living, sea, land and objects all of which arise from Indigenous spirituality.”
- * “**Indigenous heritage places** are landscapes, sites and areas that are particularly important to Indigenous people as part of their customary law, developing traditions, history and current practices. All Indigenous heritage places have associated Indigenous heritage values.”

UN Declaration on the Rights of Indigenous Peoples

* Article 8:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities.

* Article 11

1. Indigenous peoples have the right to practice and revitalise their cultural traditions and customs. This includes the right to maintain, protect and development the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spir- itual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

UN Declaration on the Rights of Indigenous Peoples

* *Article 26*

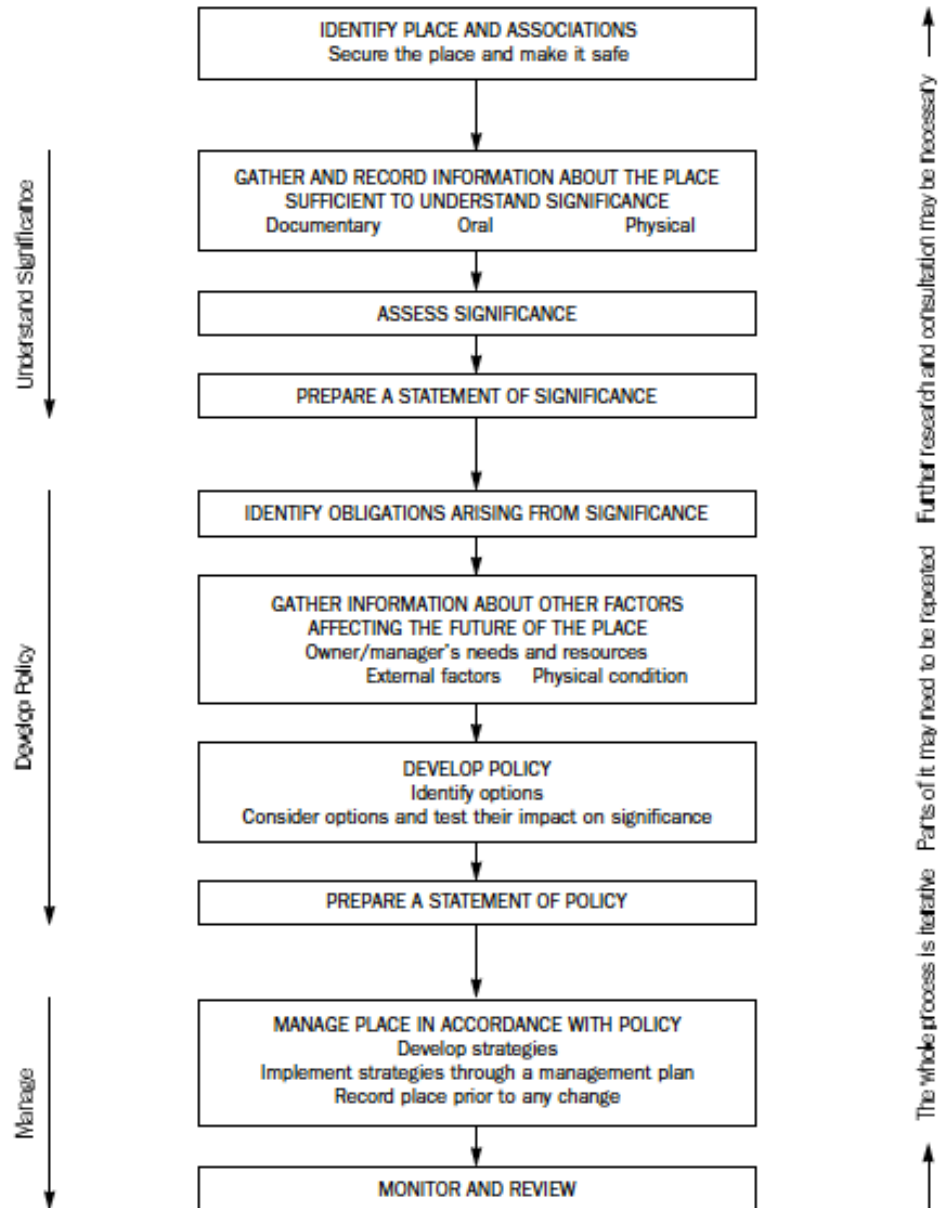
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Burra Charter - ICOMOS

- * International Council on Monuments and Sites (ICOMOS)
- * Non-governmental professional organisation formed in 1965
- * Closely linked to UNESCO, particularly the World Heritage Convention 1972
- * In the Burra Charter cultural significance means “aesthetic , historic, scientific or social value for past, present or future generations” .
- * **Article 2. Conservation and management**
 - * 2.1 *Places of cultural significance* should be conserved.
 - * 2.2 The aim of *conservation* is to retain the *cultural significance* of a *place*.
 - * 2.3 *Conservation* is an integral part of good management of *places* of *cultural significance*.
 - * 2.4 *Places of cultural significance* should be safeguarded and not put at risk or left in a vulnerable state.

The Burra Charter Process

Sequence of investigations, decisions and actions



Ask First: A guide to respecting Indigenous heritage places and values

- * Developed by the Australian Heritage Commission in 2002
- * provides a practical guide for land developers, land users and managers, cultural heritage professionals and many others who may have an impact on Indigenous heritage
- * Process of: consultation and negotiation; identifying Indigenous heritage places and values; managing Indigenous heritage places
- * Promotes a form of engagement that aligns with the principles of free, prior and informed consent

World Archaeological Code of Ethics

- * The World Archaeological Congress (WAC) is a non-governmental, not-for-profit organization and is the only representative world-wide body of practising archaeologists, formed in 1986.
- * Members agree that they have obligations to indigenous peoples and that they shall abide by the following principles:
 - * 1. To acknowledge the importance of indigenous cultural heritage, including sites, places, objects, artefacts, human remains, to the survival of indigenous cultures.
- * Members agree that they will adhere to the following rules prior to, during and after their investigations:
 - * 2. Members shall negotiate with and obtain the informed consent of representatives authorized by the indigenous peoples whose cultural heritage is the subject of investigation.

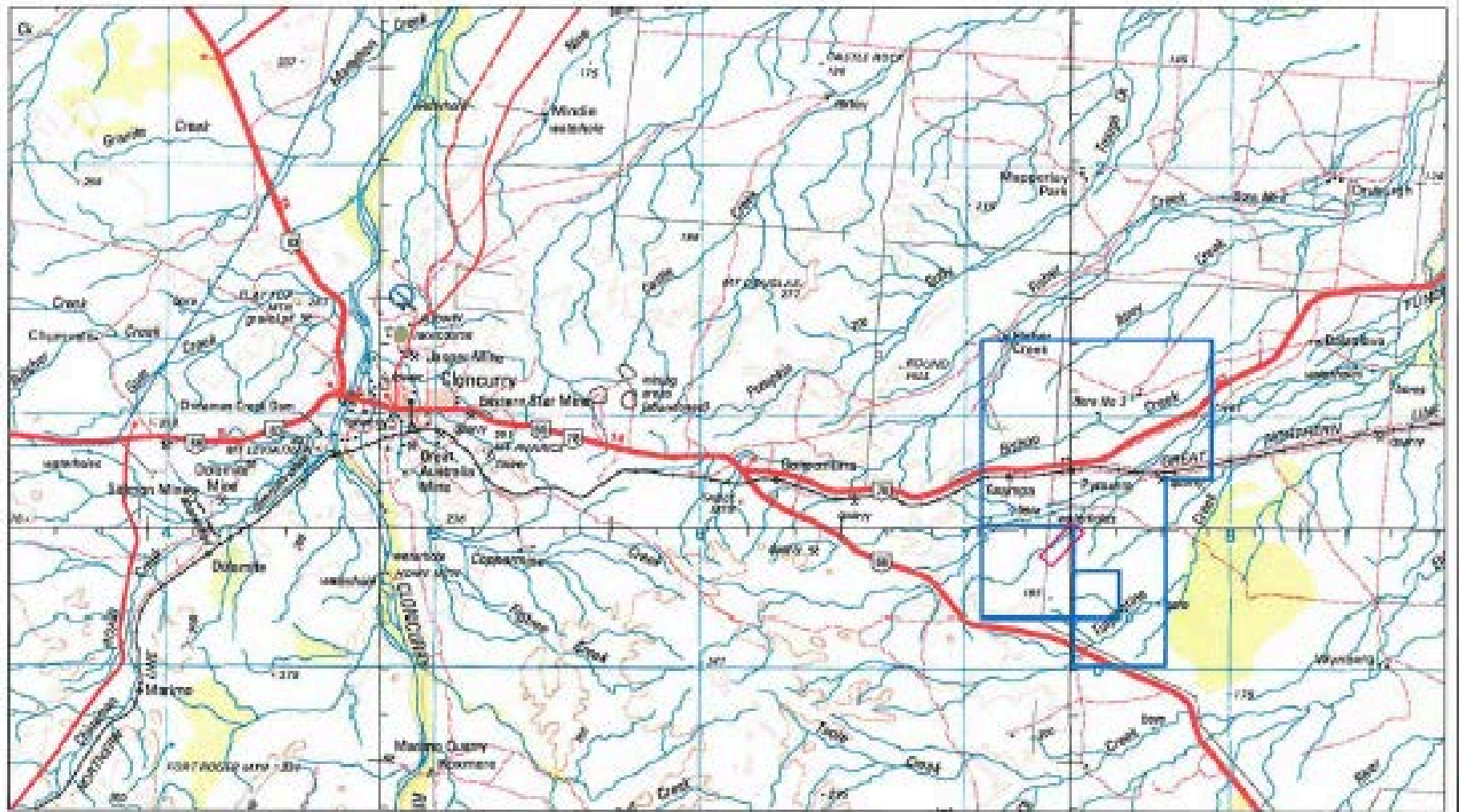
Australian Archaeological Association (AAA) Code of Ethics

- * 1.3 Members recognise that there are many interests in cultural heritage, but they specifically acknowledge the rights and interests of Indigenous peoples. AAA endorses and directs members to the current guidelines for ethical research with Indigenous parties published by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).
- * 3.4 Members will negotiate equitable agreements between archaeologists and the Indigenous communities whose cultural heritage is being investigated. AAA endorses and directs members to the current guidelines regarding such agreements published by the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS).

Australian heritage legislation

- * *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*
- * Australian Heritage Council: the principal adviser to the Australian Government on heritage matters. The Council assesses nominations for the National Heritage List, and the Commonwealth Heritage List.
- * 2013 change of government: *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* and Indigenous Heritage in general has moved from the Department of Environment (formerly SEWPAC) to Department of Prime Minister and Cabinet – Indigenous Affairs portfolio
- * State and territory heritage regimes

The Archaeology of Mitakoodi
Country, Cloncurry, North West
Queensland



Legend

- Proposed Drilling - Field Inspection Area
- Tenant Boundary



Location of Wynberg Proposed Drilling Area

WYNBERG PROJECT		STATE: W.A.
ORIGINATOR: R. Crowe	Date: 10/11	DRAWN: J.V.Z. Date: 10/06
Revision:	Date:	GD4 94 (MGA 94, Zone 54)
A4	SCALE: 1 : 200,000	FIGURE No: PLAN No:



Boundary scarred trees



Basalt Outcrops



Mitakoodi people, North West Queensland Stone Axe Quarry



Mitakoodi dolerite axes



Mitakoodi rock art site



The challenges the Mitakoodi face in protecting their heritage and sites



Mine site on Mitakoodi country



Mitakoodi Bora ground site destruction



Mitakoodi Sugabag Dreaming Site



Mitakoodi Sugabag Dreaming Site



Mine site survey on Mitakoodi country



Wiri people, North West Queensland: Fish Trap Recording-coastal archaeology



Time for a Discussion on the
establishment of a National
Indigenous Heritage
Commission

Issues that need to be addressed to fix the Heritage crisis

- Commonwealth Leadership and jurisdiction over the States and territories.
- Establishing and maintaining a benchmark of internationally recognised cultural heritage policy and practice minimum standards. “The Ochre Charter: for the management of Australia’s Indigenous Cultural Heritage”.
- Regulate the Archaeological Industry
- Funding to manage Australia’s Indigenous Cultural heritage
- Raising an Awareness among the Australian Public
- Auditing of state and territory site registers
- Pursuit of those who deliberately destroy Indigenous Sites of significance.

Thank You

Aboriginal Archaeologists Australia

Australian Indigenous Archeologists Association